

REMARKS

We trust that the Examiner will now find the application to be in condition for allowance and reconsideration is respectfully requested. Claims 14 and 16 have been amended in response to the Examiner's objections. A marked-up version of the amended claims is included in a section attached hereto. In the marked-up claims, the words between brackets are being removed and the words underlined are being added, which places the amended claims into the form given above. The attached section is captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**

In the Office Action, claims 14 and 16 of the present application were rejected under 35 USC 112, first paragraph. In accordance with the Examiner's suggestion, a marked-up Figure 1 of the present application is submitted for use only with this Amendment. Figure 1, with support from the specification and without adding new matter, is marked for each part, direction and dimension using the terminology in the claims to clarify what is recited by the claims.

In the figure, the flange (26) of one interlocking profile (12) is sealed to the thermoplastic film (50) used to make a first package wall and then the flange (26) is again sealed to the thermoplastic film when the film is used to form the second package wall. (Page 7, lines 6-32 of the specification) To more clearly recite this sealing configuration, the penultimate paragraph of claim 14 has been amended to recite a reclosable package wherein the at least one flange (26) of one interlocking profile (12) is sealed to the first and second walls at a first seal area spaced apart widthwise from the interlocking members (16, 18) on a first widthwise side (A) of the interlocking members. The numeration and letter designations given above and further noted in this Amendment are in support of marked-up Figure 1 only and are not to be included in the actual amended claims.

In regard to the sealing of the opposite profile, the film (50) now forming the second package wall is sealed to web (22) of the profile (14). (Page 7, lines 28-32 and Figure 1) To more clearly recite the sealing configuration, the last paragraph of claim 14 has been amended to recite a reclosable bag wherein the other interlocking profile (14) is sealed to the second wall at a second seal area spaced apart widthwise from the interlocking members and separated from the first seal area by the joined thickness

(B) of the interlocking profiles along the length of the zipper strip (C), the second seal area being on the first widthwise side (A) of the interlocking members.

In regard to the sealing of amended claim 16, the outside of the leading and trailing flanges (24, 26) are attached to the thermoplastic sheet material (50). (Page 7, lines 23-26) To more clearly recite the sealing configuration, claim 16 has been amended to recite a reclosable bag according to claim 14 wherein a portion (24) of said wider web (20) of said interlocking profile (12) wherein said portion (24) is not the at least one flange sealed at the first seal area, is separately sealed to the first package wall as a third seal area, the third seal area spaced apart widthwise from the interlocking members (16, 18) and on a widthwise side (D) of said interlocking members opposite to the first widthwise side (A).

In regard to the use of the term "widthwise" to describe sealing locations in the claim, the term has been defined in the fifth paragraph of the claim as "wherein one of said male and female webs (20, 22) is wider than the other of said male and female webs in at least one of two directions (A, D) from said male and female interlocking members (16, 18), the greater width of the wider of said male and female webs being at least one flange extending widthwise beyond the other of said male and female webs." As defined in the claim and shown as directions (A, D) in marked-up Figure 1, the term "widthwise" is used to position sealing locations on the plane of each web not as a shifting location between the two webs of the zipper. As a result of the amendment to claim 14, the sealing locations of the interlocking profiles of the zipper have been further clarified in regard to the specification without adding new matter. As such, the rejection under 35 USC 112, first paragraph, for amended claim 14 as well as for amended dependent claim 16 of the present application is traversed.

In the Office Action, claim 14 of the present application was rejected under 35 USC 112, second paragraph. To more clearly recite the sealing configuration in the reclosable package, the penultimate paragraph of claim 14 has been amended to recite a reclosable package wherein the at least one flange (26) of one interlocking profile (12) is sealed to the first and second walls at a first seal area spaced apart widthwise from the interlocking members (16, 18) on a first widthwise side (A) of the interlocking members. In addition, the last paragraph of claim 14 has been amended to recite a reclosable bag wherein

the other interlocking profile (14) is sealed to the second wall at a second seal area spaced apart widthwise from the interlocking members and separated from the first seal area by the joined thickness (B) of the interlocking profiles along the length (C) of the zipper strip, the second seal area being on the first widthwise side (A) of the interlocking members. As a result of the amendment to claim 14, the sealing locations of the interlocking profiles of the zipper have been further clarified in regard to the specification without adding new matter. As such, the rejection under 35 USC 112, second paragraph, for amended claim 14 as well as for amended dependent claim 16 of the present application is traversed.

In the Office Action, claims 14 and 16 were rejected under 35 USC 102(e) as being anticipated by Johnson (U.S. Patent No. 6,350,340). In response, the penultimate and last paragraphs of claim 14 have been amended to recite a reclosable package wherein at least one flange of one interlocking profile is sealed to the first and second walls at a first seal area spaced apart widthwise from the interlocking members on a first widthwise side of the interlocking members; and wherein the other interlocking profile is sealed to the second wall at a second seal area spaced apart widthwise from the interlocking members and separated from the first seal area by the joined thickness of the interlocking profiles along the length of said zipper strip, the second seal area being on the first widthwise side of the interlocking members. A feature of the reclosable package is the sealing of the opposing first and second package walls to a flange of an interlocking profile while the other interlocking profile is sealed to the second package wall, with both flanges sealed on the same widthwise side of the interlocking members. Any leakage from the reclosable bag or package is reduced by either this sealing configuration alone or in conjunction with the interlocking profiles engaged.

In contrast, the Johnson reference discloses a male fastener strip (2026) sealed to a bag wall (2028) at seals (2008, 2030) and is separated from the female fastener strip (2006) by barrier material (2014, 2020). (See Figure 16). As such, the male fastener strip is sealed to one package wall at two locations with the barrier material preventing the male strip from being sealed to the opposing package wall (2004) along most of the male fastener strip. Also, the female fastener strip (2026) is sealed to opposing package wall (2004) on the side of interlocking members in which the male fastener strip (2026)

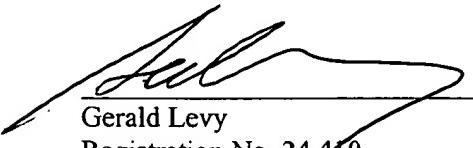
is prevented from sealing to the opposing package wall. As a result of the restriction in areas of sealing in the Johnson reference, the reference would not anticipate the reclosable package of amended claim 14 of the present application. Amended claim 16 of the present application, which depends on amended claim 14, also would not be anticipated by the cited reference.

In the Office Action, claims 14 and 16 were rejected under 35 USC 102(e) as being anticipated by Malin (U.S. Patent No. 6,088,998). In response, the penultimate and last paragraphs of claim 14 have been amended to recite a reclosable package wherein at least one flange of one interlocking profile is sealed to the first and second walls at a first seal area spaced apart widthwise from the interlocking members on a first widthwise side of the interlocking members; and wherein the other interlocking profile is sealed to the second wall at a second seal area spaced apart widthwise from the interlocking members and separated from the first seal area by the joined thickness of the interlocking profiles along the length of the zipper strip, the second seal area being on the first widthwise side of the interlocking members. A feature of the reclosable package is the sealing of the opposing first and second package walls to a flange of an interlocking profile while the other interlocking profile is sealed to the second package wall with both flanges sealed on the same widthwise side of the interlocking members. Any leakage from the reclosable bag or package is reduced by either this sealing configuration alone or in conjunction with the interlocking profiles engaged.

In contrast, the Malin reference discloses a web (26) of the female profile (16) sealed to a bag wall (34) and separated from the male profile (14) by their interlocking members (18, 24). As shown, the female fastener strip is sealed to one package wall at two locations (A, B) with the web (20) preventing the web (26) from being sealed to the opposing package wall (32) along most of the female profile (16). Also, the male profile (14) is sealed to opposing package wall (32) on the side of interlocking members (18, 24) in which the female web (26) is prevented from sealing to the opposing package wall. As a result of the restriction in the areas of sealing in the Malin reference, the reference would not anticipate the reclosable package of amended claim 14 of the present application. Amended claim 16 of the present application, which depends on amended claim 14, also would not be anticipated by the cited reference.

In view of the above, it is respectfully submitted that the claims as herein are patentably distinguishable over the prior art and the application is now believed to be in condition for allowance.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

14. (Amended for a Third Time) A reclosable package comprising:

a first wall and a second wall opposite said first wall;

a zipper strip for selectively opening and closing said package, said zipper strip comprising a male interlocking profile extending along an internal surface of said first wall and a female interlocking profile extending along an internal surface of said second wall;

said male interlocking profile having a male interlocking member and a male web integral therewith;

said female interlocking profile having a female interlocking member and a female web integral therewith, said male interlocking member being engageable within said female interlocking member to join said male and female interlocking profiles together;

wherein one of said male and female webs is wider than the other of said male and female webs in at least one of two directions from said male and female interlocking members, the greater width of the wider of said male and female webs being at least one flange *extending widthwise beyond the other of said male and female webs;*

wherein said at least one flange of one interlocking profile is sealed [only] to [one of] said [package] first and second walls [, said seal being at least] at a first seal area spaced apart widthwise from said interlocking members on a first widthwise side of said interlocking members; and

wherein the other interlocking profile is sealed to the [other package] second wall [only] at a second seal area spaced apart widthwise from said interlocking members and separated from said first seal area by the joined thickness of said interlocking profiles along the length of said zipper strip, said second seal area being on said first widthwise side of said interlocking members.

16. (Twice Amended) A reclosable package according to claim 14 wherein a portion of [the interlocking profile having] said wider web [which] of said interlocking profile wherein said portion is not said at least one flange sealed at the first seal area, is separately sealed [only] to the [same] first package wall [as said at least one flange] as a third seal area, said third seal area spaced apart widthwise from said interlocking members and on a widthwise side of said interlocking members opposite to said first widthwise side.